

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUN 30 2016 ★

BROOKLYN OFFICE

DONALD DEBROSSE

Plaintiff,

- against -

**CITY OF NEW YORK, MICHAEL GAYNOR,
DAVID ARVELO, LORRAINE WINTERS,
PABLO DEJESUS, ANDREW MENNELLA,
ROBERT AIELLO, CLAUDE JEANPIERRE,
and JOHN AND JANE DOES #1-10**

Defendants.

DECISION AND ORDER

13-cv-03822 (AMD)(CLP)

ANN DONNELLY, District Judge.

Donald Debrosse commenced this civil rights action on July 9, 2013 alleging malicious prosecution, denial of a fair trial, and abuse of process pursuant to 42 U.S.C. § 1983 against defendants City of New York, Detective Michael Gaynor, Detective David Arvelo, Detective Lorraine Winters, Police Officer Pablo DeJesus, Detective Andrew Mennella, Detective Robert Aiello, and Detective Claude Jeanpierre, and Police Officers John/Jane Does 1-10. Debrosse filed an amended complaint on October 10, 2013, and then moved to file a second amended complaint on December 21, 2015. In a Report and Recommendation issued on May 25, 2016, Magistrate Judge Cheryl L. Pollak recommended that the Court deny the plaintiff's motion to file a Second Amended Complaint. (ECF 65.) No party has objected to Judge Pollak's Report and Recommendation within the time prescribed by 28 U.S.C. §636(b)(1).

In reviewing an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

Where, as here, no party has objected to the magistrate judge’s recommendation, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

This Court has reviewed Judge Pollak’s thorough and well-reasoned opinion, and finds no error. Accordingly, the plaintiff’s motion to file a Second Amended Complaint (ECF 57) is denied.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
June 30, 2016

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